

**UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF WISCONSIN**

T.W.VENDING, INC. d/b/a TURNKEY CORRECTIONS,
a Wisconsin Corporation, and
THREE SQUARE MARKET, INC.,
a Wisconsin Corporation,

Plaintiffs,

Case No. 17-cv-529

v.

COD FOOD SERVICES, INC. d/b/a
STERLING SERVICES FOOD SERVICE MANAGEMENT
A Michigan Corporation,

RAYMOND FRIEDRICH,

DIGITAL CHECKOUT, LLC
A Michigan Limited Liability Corporation, and

JIM BISHOP,

Defendants.

NOTICE OF REMOVAL FROM ST. CROIX COUNTY CIRCUIT COURT

TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE WESTERN
DISTRICT OF WISCONSIN:

Defendants COD Food Services, Inc. d/b/a Sterling Services, Raymond Friedrich,
Digital Checkout, LLC, and Jim Bishop ("Defendants"), by their attorneys and for the
purpose only of removing this action from the St. Croix County Circuit Court to the United
States District Court for the Western District of Wisconsin, respectfully aver as follows:

1. This is a civil action filed and now pending in Circuit Court for St. Croix County, State of Wisconsin (“State Court”).

2. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332, and this action may be removed pursuant to 28 U.S.C. § 1441(b) as it is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.00.

3. Plaintiffs T.W. Vending, Inc., d/b/a TurnKey Corrections (“TurnKey”), and Three Square Market, Inc. commenced this action by filing a Summons and Complaint in State Court and serving the same upon Defendant on or about June 20, 2017. A copy of the Summons and Complaint is attached hereto and marked as Exhibit “A.”

4. This is a suit of a civil nature and involves a controversy between citizens of different states. Upon information and belief, Plaintiff T.W. Vending, Inc., d/b/a TurnKey Corrections is incorporated in Minnesota, while Plaintiff Three Square Market, Inc. is incorporated in Wisconsin. Upon information and belief, both Plaintiffs have their principal place of business located at 3329 Casey Street, River Falls, Wisconsin.

5. Defendant COD Food Service, Inc. is incorporated under the laws of Michigan, with a principal place of business at 41871 Koppenick Road, Canton, MI 48187.

6. Defendant Raymond Friedrich is the CEO of COD Food Services, Inc. and is a resident of Michigan

7. Defendant Jim Bishop is a former employee of COD Food Services, Inc. and is a resident of Michigan.

8. Defendant Digital Checkout, LLC is a limited liability company organized under the laws of Michigan, with its principal place of business at 32231 Schoolcraft Road, Suite 203, Livonia, MI 48150.

9. In the State Court action, Plaintiffs seek both an award of monetary damages as well as temporary and permanent injunctive relief against Defendants.

10. Although Plaintiffs have failed to plead a specific amount of damages, as is permissible under Wis. Stat. § 802.02(1m), the matter in controversy in this action appears to well exceed the sum of seventy-five thousand dollars (\$75,000), exclusive of interest and costs. Although Plaintiffs' Complaint does not specify a dollar amount of damages, the matter involves purported misuse and misappropriation of Plaintiffs' confidential information and business trade secrets by Defendants. Plaintiffs' Complaint asserts to have expended well over \$12 million dollars in research, development, and marketing of their confidential information and business trade secrets, and Plaintiffs repeatedly assert that they have suffered "significant and, at this juncture, incalculable damages," thus it can be reasoned that Plaintiffs seek an award of monetary damages well in excess of the \$75,000 statutory threshold for diversity jurisdiction.

11. The contractual Licensing Agreement between Plaintiffs and Defendant COD Foods involved payments and values well in excess of \$75,000.

12. The new contractual arrangements between COD Food Services, Inc. and Digital Checkout, LLC involve payments and values well in excess of \$75,000.

13. From the Defendant's viewpoints, the monetary damages claim, together with the injunction claim, exceed \$75,000, exclusive of interests and costs:

14. The averments made herein are true and correct with respect to the date upon which suit was commenced and the date upon which this Notice is being filed.

15. Defendant has, simultaneously with the filing of this Notice, given written notice to Plaintiff and the St. Croix County Circuit Court.

16. This Court has original jurisdiction for the above-entitled action pursuant to 28 U.S.C. § 1332(a), and the action may therefore be removed to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, Defendants COD Food Services, Inc. d/b/a Sterling Services, Raymond Friedrich, Digital Checkout, LLC, and Jim Bishop hereby remove this lawsuit to this Honorable Court.

ECKBERG LAMMERS, P.C.

Dated: July 11, 2017

s/Kevin S. Sandstrom
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